

REMARKS/ARGUMENTS

Claims 1, 2, 4-22 and 25-35 are pending in this application. By this Amendment, claims 1, 2, 4-6, 8-15, 17-22, 25-27 and 30 are amended, and claims 33-35 are added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

I. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1, 2, 4, 7-22 and 25-32 under 35 U.S.C. §102(b) over U.S. Patent No. 2,828,178 to Dahlgren. The rejection is respectfully traversed.

Independent claim 1 is directed to a tray for a refrigerator, comprising a boss provided on an inner surface of a refrigerator door, and a press plate including a rotary shaft configured to be rotatably coupled to the boss, wherein the rotary shaft includes an elastic member mounted thereto such that a first end of the elastic member is supported at a predetermined position on the inner surface of the door and a second end of the elastic member is supported on a portion of the press plate, thereby allowing the press plate to elastically move in the direction in which it is brought toward the inner surface of the door. Independent claim 17 recites similar features in varying scope. Independent claim 30 recites a storage space formed between the press plate and the surface, wherein the storage space is adjustable to have a plurality of capacities between a fully open and a fully closed position of the press plate based on a size of an item to be stored in the storage space. Dahlgren neither discloses nor suggests at least such features, or the respective claimed combination(s) of features.

Dahlgren discloses a guard assembly for a refrigerator compartment shelf that rotates with respect to the shelf to facilitate the storage of tall items. A plurality of shelves 2 are mounted within a recess 1 formed in a door of the refrigerator. These shelves 2 are completely separate components from the surface of the door to which they are affixed by an indented portion 6 and a pair of clamps 7 (see column 2, lines 33-39 of Dahlgren). A guard 12 is rotatably attached to the pair of brackets 13, 14 which engage inwardly bent end portions 11 of the shelf 2. Helical springs 15 are positioned at each end of the guard 12, with a first end 15a pressing against a front cross bar 4 of the shelf 2 and a second end 15b pressing against the guard 12 to bias the guard 12 to a vertical position. The guard 12 defines an end portion of a fixed size storage space formed by the shelf 2 when the guard 12 is in its vertical position. The guard 12 may be rotated forward to facilitate the placement and removal of tall items from this storage space, but must return to its vertical position so that the items may be held on the shelf 2 and the door is able to close.

The guard 12 (compared in the Office Action to the recited press plate) is simply a flat, rectangular member coupled to the shelf 2 by the brackets 13, 14 which engage the ends 11 of the shelf 2. Dahlgren neither discloses nor suggests that the guard 12 includes any type of shaft, as does the press plate recited in independent claims 1 and 17.

Further, Dahlgren clearly discloses that the first end 15a of the spring 15 presses against the shelf 2, and its second end 15b presses against the guard 12. Applicant maintains the position that Dahlgren neither discloses nor suggests that either end of the spring 15 is supported at a predetermined position on the inner surface of the door, as is the elastic member recited in independent claim 1, nor by the mounting surface, as recited in independent claim 17.

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More specifically, Applicant respectfully disagrees with the assertion in the Office Action that the shelf 2 is considered part of the inner surface of the door. Rather, Dalghren clearly discloses that the shelves 2 are separate components from the door requiring a separate set of clamps 7 and indentations 6 for coupling thereto. Thus, it is respectfully submitted that the shelves 2 are not comparable to the inner surface of the door recited in independent claim 1, nor the mounting surface, let alone a recess in the mounting surface, as recited in independent claim 17.

Additionally, the storage space formed by the shelf 2, the guard 12, and the inner surface of the door is fixed, both in position and in capacity/size. As previously noted, the guard 12 is merely opened to facilitate placement and removal of tall items from this fixed storage space, and then returned to its vertical position to keep items stored on the shelf 2 from falling. Further, if the size of the storage space defined by the shelf 2, the guard 12, and the inner surface of the door were to be adjusted to accommodate storage of a larger item by, for example, opening the guard 12 and then leaving the guard 12 in this partially open position for storage of this larger item, then the door could no longer be fully closed due to interference from the guard 12. Thus, it is respectfully submitted that operation of Dahlgren's device in this manner would destroy the originally intended utility and functionality of Dahlgren's device. Accordingly, it is respectfully submitted that Dahlgren neither discloses nor suggests that the storage space is adjustable to have a plurality of capacities between a fully open and a fully closed position of the guard, as is the storage space recited in independent claim 30, let alone that such a plurality of capacities is based on a size of an item to be stored in the storage space, as recited in independent claim 30.

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For at least these reasons, it is respectfully submitted that independent claims 1, 17 and 30 are not anticipated by Dahlgren, and thus the rejection of claims 1, 17 and 30 under 35 U.S.C. §102(b) over Dahlgren should be withdrawn. Dependent claims 2, 4, 7-16, 18-22, 25-29, 31 and 32 are allowable at least for the reasons set forth above with respect to independent claims 1, 17 and 30, from which they respectively depend, as well as for their added features.

II. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 5 and 6 under 35 U.S.C. §103(a) over Dahlgren. The rejection is respectfully traversed.

Dependent claims 5 and 6 are allowable over Dahlgren at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Accordingly, the rejection of claims 5 and 6 under 35 U.S.C. §103(a) over Dahlgren should be withdrawn.

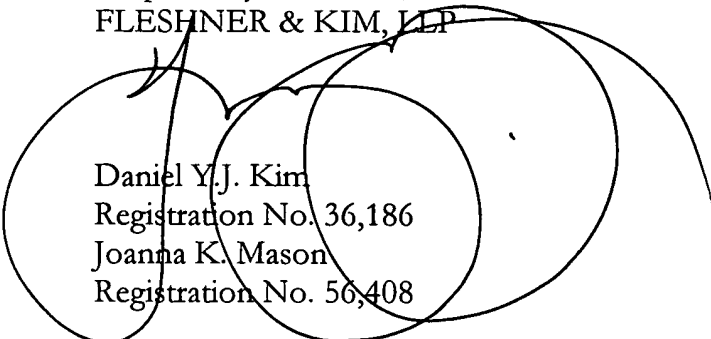
III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned JOANNA K. MASON, at the telephone number listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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